

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE EINSTEIN ACADEMY CHARTER :
SCHOOL, f/k/a THE NATIONAL :
ORGANIZATION FOR CHILDREN, INC., :
d/b/a T.E.A.C.H. - THE EINSTEIN :
ACADEMY CHARTER SCHOOL, :

Plaintiff, :

v. :

CIVIL ACTION No. 02 cv 2880

TUTORBOTS, INC.; MIRIAM :
ROTHSCHILD, a/k/a MIMI MANDEL, :
and HOWARD MANDEL, :

Defendants. :

ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of Plaintiff's Motion for an Order Requiring Defendants to Show Cause Why They Should Not Be Found in Contempt, and any response thereto, it is hereby ORDERED that the motion is GRANTED. Defendants and third-party Learning By Grace, Inc., are hereby ORDERED to show cause why they should not be held in contempt of the Consent Order on Plaintiff's Motion for Preliminary Injunction dated May 17, 2002 within ten (10) days of the date of this Order.

BY THE COURT:

J.

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Defendants. :

**PLAINTIFF'S MOTION FOR AN ORDER REQUIRING DEFENDANTS
TO SHOW CAUSE WHY THEY SHOULD NOT BE FOUND IN CONTEMPT**

Plaintiff The Einstein Academy Charter School ("Einstein") respectfully moves the Court to issue an order requiring defendants and a third party, Learning By Grace, Inc., to appear before the Court and show cause why they should not be found in contempt of the Consent Order on Plaintiff's Motion for Preliminary Injunction entered by this Court on May 17, 2002.

The basis for this motion, as set forth more fully in the accompanying memorandum of law, is that defendants have violated the Consent Order by: (1) producing a promotional brochure for defendants' "Grace Academy" cyber-school which features depictions of Web pages copied directly from Einstein's Web site, but presented as though they are part of the Grace Academy Web site; and (2) on information and belief, using Einstein's database of student addresses to mail that brochure to the parents of Einstein's students.

WHEREFORE, Einstein respectfully requests that the Court issue an Order requiring defendants to appear before the Court and to show cause why the should not be held in contempt for willfully violating the terms of the May 17, 2002 Consent Order.

Respectfully submitted,

Howard D. Scher
Francis X. Taney
Pa. Nos. 03673 and 76590
Buchanan Ingersoll, P.C.
11 Penn Center
1835 Market Street, 14th Floor
Philadelphia, PA 19103

Counsel for Plaintiff
The Einstein Academy Charter
School

Dated: July 23, 2002

CERTIFICATE OF SERVICE

I, Eliot G. Long, hereby certify that, on this 23rd day of July, 2002, I caused a true and correct copy of the foregoing document to be served upon the following by facsimile and U.S. first-class mail, postage pre-paid:

Philip Matthew Stinson, Sr., Esquire
University Technology Park
1450 Edgmont Avenue, Suite 200
Chester, Pennsylvania 19013-3934

Attorney for Defendants

Eliot G. Long